

Remarks

Claim rejections 35 USC § 101

In the Office Action, the Examiner has rejected claims 1-23 and 30-24 under 35 U.S.C. §101 as being directed to non-statutory subject matter, and states that the steps could be performed using pencil and paper. However, the claims specifically include the "computer-implemented" addition in the previous response, so the Examiner's reconsideration is urged. If the Examiner is asserting that the preamble is not to be considered, the Examiner is referred to *Eaton Corp. v. Rockwell International Corp.* 323 F.3d 1332 in which the Court ruled that the preamble is appropriately considered and limits the invention if it recites essential structure in order to give life, meaning and vitality to a claim. That is certainly the case here. Further, in *Pitney Bowes, Inc. v. Hewlett-Packard Co.* 182 F.3d 1298, the Court first stated the life, meaning and vitality language concerning the claim preamble. The Examiner is invited to this caselaw which, it is submitted, overcomes the Examiner's rejections. Should the Examiner disagree, however, it is requested that the Examiner provide additional explanation as to why the specific limitation identified above regarding computer implementation has been ignored.

Claim rejections 35 USC § 102

In response to the Examiner's submission (see paragraph 10 of the Office Action) that the features relied upon in the previous response were not recited in the claims, there is now a positive recitation in each independent claim that the prioritized listing of locations includes "locations not currently due to be visited by said agent".

The Examiner is respectfully requested to reconsider the rejections made in the light of the arguments and issues set forth in the last response.

Accordingly, it is submitted that Powell simply maintains a record of locations that an agent is scheduled to visit, and does not at any stage keep a record of the locations that the agent is not scheduled to visit, nor of their availability to reach a non-scheduled location.

In the example put forward by the Applicants in the previous response, the advantage provided by the present invention over the system disclosed by Powell can be easily seen. While Powell simply maintains a listing of the scheduled locations to visit, the present invention keeps an updated record of the earliest time that an agent can reach an unscheduled location. Due to the maintaining of the prioritized location listing, it can instantly be seen which agent is most suitable for the assignment of a new order, due to the availability of each agent to attend to said new order. This feature, explicitly recited in the claims and alluded to in the last response also, provides a novel and non-obvious method of allocating orders to agents.

Claims 2-17 and 22, being dependent on claim 1, include all of its limitations and therefore benefit from the novelty and non-obviousness of the base claim. Claims 23, 24, 30, 35 and 36 and their dependent claims each share the features of the location listing including locations not currently due to be visited by said agent, and thus these claims are therefore also submitted to be patentable over the prior art.

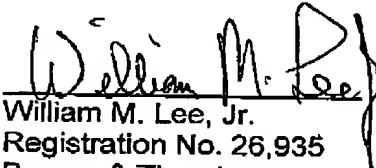
Claim rejections 35 USC § 103

Claims 18-21, 26, 28 and 29 are dependent on claim 1 and therefore benefit from the novelty and non-obviousness of claim 1.

In view of the amendments and arguments made herein, further and favorable reconsideration and allowance are respectfully requested.

November 8, 2005

Respectfully submitted,


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